

SECRETARY OF STATE[721]

Adopted and Filed

Pursuant to the authority of Iowa Code section 47.1, the Secretary of State hereby adopts amendments to Chapter 23, "Voter Registration in State Agencies," Iowa Administrative Code.

These amendments are intended to update Chapter 23 to reflect current Iowa Code references and to designate additional voter registration agencies as required by the National Voter Registration Act of 1993.

These amendments were published in the Iowa Administrative Bulletin on April 23, 2008, as **ARC 6749B**.

Comments were received from the Attorney General's office regarding the selection of other agencies. The following changes have been made to the amendments to reflect those comments.

The definition of "other voter registration agencies" was not adopted, nor were several proposed amendments that are not necessary after this distinction is removed from the amendments. The Iowa Code already requires educational institutions, which were referenced in the deleted language, to provide voter registration services. Reference to county auditors' offices is added to the definition of "agency" and, thereby, requires that auditors and their staff members provide the opportunity to register to vote and provide declination forms to persons applying for licenses or permits issued by an auditor's office. The term "service or assistance" is defined to clarify the circumstances under which agencies must offer the opportunity to register to vote.

These amendments are intended to implement Iowa Code section 48A.19 and Section 1973gg-5 of the National Voter Registration Act of 1993.

These amendments were adopted on June 23, 2008.

These amendments shall become effective on August 20, 2008.

The following amendments are adopted.

ITEM 1. Amend **721—Chapter 23**, parenthetical implementation statute, as follows:  
(~~75GA, ch 1169~~ **48A**)

ITEM 2. Amend rule **721—23.1(48A)**, "Agency" as follows:  
"Agency" means a voter registration agency as defined in ~~1994 Iowa Acts, chapter 1169, section 20~~  
Iowa Code section 48A.19 and the offices of each county auditor.

ITEM 3. Adopt the following **new** "Service or assistance" in rule **721—23.1(48A)**:  
"*Service or assistance*" means a government benefit or service other than voter registration for which application is made to an agency.

ITEM 4. Amend rule 721—23.2(48A) as follows:

**721—23.2(48A) Registration forms.** The use of electronic registration records and combined forms for voter registration and for application for services is encouraged. These forms shall be approved by the voter registration commission. Otherwise, the Iowa mail registration form shall be used. Agencies, such as military recruiting offices, which serve a substantial number of applicants who live outside the state of Iowa shall keep a supply of the ~~Federal Election Assistance~~ Commission's national registration form.

ITEM 5. Amend rule 721—23.5(48A) as follows:

**721—23.5(48A) Retention and storage of declination forms.** Declination forms shall be retained by the agency receiving them for 22 months after the next general election following receipt of the form. Declination forms signed during the ten days before a general election, when registration is closed, shall be retained for 22 months after the general election to be held in two years. The forms shall be stored in a secure location where the safety and confidentiality of the records can be protected. If the applicant's

responses are stored electronically, the declination record shall be retained by the agency for the same period of time required for paper declination forms. The following schedule shall be followed:

<u>Date declination signed</u>	<u>Election date</u>	<u>Earliest date to destroy</u>
<del>01/01/95 — 10/26/96</del>	<del>11/05/96</del>	<del>09/05/98</del>
<del>10/27/96 — 10/24/98</del>	<del>11/03/98</del>	<del>09/03/00</del>
<del>10/25/98 — 10/28/00</del>	<del>11/07/00</del>	<del>09/07/02</del>
<del>10/29/00 — 10/26/02</del>	<del>11/05/02</del>	<del>09/05/04</del>
<del>10/27/02 — 10/23/04</del>	<del>11/02/04</del>	<del>09/02/06</del>
10/24/04 — 10/28/06	11/07/06	09/07/08
10/29/06 — 10/26/08	11/04/08	09/04/10
10/27/08 — 10/23/10	11/02/10	09/02/12
<u>10/24/10 — 10/27/12</u>	<u>11/06/12</u>	<u>09/06/14</u>
<u>10/28/12 — 10/25/14</u>	<u>11/04/14</u>	<u>09/04/16</u>

ITEM 6. Amend rule **721—23.10(48A)**, as follows:

Applicants who are not accepted for services or assistance by an agency shall be offered the opportunity to register to vote. ~~Voter~~ Even if the applicant will not receive services or assistance from the agency, voter registration forms shall be processed and transmitted not later than the final working day of the week to the appropriate county commissioner of elections as required by 1994 Iowa Acts, chapter 1169, section 22 Iowa Code section 48A.21 , even if the applicant will not receive services or assistance from the agency.

ITEM 7. Adopt the following **new** rule 721—23.11(48A):

**721—23.11(48A) Other voter registration agencies.** The offices of all Iowa county auditors shall provide voter registration services to applicants for services, such as licenses issued by the auditor's office. These offices are required to provide declination forms to each person who is offered the opportunity to register to vote when applying for services at the auditor's office.

ITEM 8. Amend **721—Chapter 23**, as follows:

These rules are intended to implement 1994 Iowa Acts, chapter 1169, section 20, subsection 3 Iowa Code section 48A.19(3) and Section 1973gg-5 of the National Voter Registration Act of 1993.

[Filed 6/24/08, effective 8/20/08]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/16/08.